

BEFORE THE BOARD OF RADIOLOGIC TECHNOLOGISTS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the proposed amendment ) NOTICE OF PUBLIC HEARING  
of ARM 24.204.501 limited permit, ) ON PROPOSED AMENDMENT  
24.204.504 practice limitations, )  
24.204.507 course requirements, )  
24.204.511 permit exams, and )  
24.204.2101 continuing education )

TO: All Concerned Persons

1. On November 17, 2008, at 10:00 a.m., a public hearing will be held in room 489, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Radiologic Technologists (board) no later than 5:00 p.m., on November 10, 2008, to advise us of the nature of the accommodation that you need. Please contact Helena Lee, Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2385; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdrts@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.204.501 LIMITED PERMIT APPLICATION - TYPES (1) and (2) remain the same.

(a) graduates of ~~the 88-hour~~ a board-approved course set forth in as described in ARM 24.204.507; or

(b) and (3) remain the same.

(4) Upon ~~approval~~ submission of the permit application, the applicant shall submit the ~~appropriate examination permit application fee (\$85) and optional combined exam fee (\$15) made out to the Board of Radiologic Technologists.~~ Upon approval of the permit application, the applicant shall submit the American Registry of Radiologic Technologists (ARRT) examination fee to ARRT with the registration letter.

~~(5) Upon passage of the examination, the license applicant shall submit the appropriate original license fee.~~

AUTH: 37-1-131, 37-14-202, ~~37-14-306~~, MCA

IMP: 37-14-306, MCA

REASON: The board is amending the limited permit rules throughout by removing the specific minimum hour requirements for limited permit courses as the 88-hour course is outdated. The board notes that by 2015, an AA degree will be required for certification which is required for permitting. The board is amending the rules to align with these changes and allow the board to approve the limited permit courses deemed adequate to ensure competent practitioners.

The board determined it is reasonably necessary to amend this rule to reduce confusion among applicants by specifying which fees are payable to the board. The board notes that after board staff approves an application and registers the applicant for the national exam, the applicant then must submit their national exam fee directly to the American Registry of Radiologic Technologists.

Authority cites are being amended to accurately reflect the statutory sources of the board's rulemaking authority.

24.204.504 PERMITS - PRACTICE LIMITATIONS (1) and (2) remain the same.

(3) Limited permit holders who have completed ~~the 88-hour training a board-approved course~~ are not authorized or permitted to perform fluoroscopy procedures due to the difficulty in monitoring, limiting, and controlling the accumulative doses of ionizing radiation.

(4) remains the same.

(a) ~~identifies~~ the student ~~as being~~ is enrolled in a radiology program accredited by a mechanism recognized by the ARRT;

(b) through (d) remain the same.

(5) If a student of a radiologic technologist program accredited by a mechanism recognized by the ARRT has completed the first two semesters of the program or its equivalent, as determined by the board, and has become a limited permit holder, that person may perform procedures while operating portable fluoroscopy equipment and may be compensated so long as the student is not performing procedures on school time and has completed the clinical time requirements.

AUTH: 37-1-131, 37-14-202, MCA

IMP: 37-14-301, 37-14-306, MCA

REASON: The board is amending this rule to clarify when students may be compensated for performing radiologic procedures. The board concluded the amendment is necessary to address numerous questions received at the board office on this issue.

24.204.507 COURSE REQUIREMENTS FOR LIMITED PERMIT APPLICANTS (1) remains the same.

(2) The course shall be ~~40 hours~~ board-approved in length and consist of the following:

(a) through (h) remain the same.

(3) An additional course, to include anatomy, physiology, positioning, pathology, x-ray technique, and proper handling of trauma patients, shall be required

for the applicant to qualify for examination in each of the specified limited x-ray procedures. ~~Course length is specified~~ Specific courses for each limited x-ray procedure include:-

- (a) ~~chest—four hours;~~
- (b) ~~extremities—eight hours;~~
- (c) ~~spine—eight hours;~~
- (d) ~~skull—eight hours;~~
- (e) ~~abdomen—four hours;~~
- (f) ~~GI tract and associated overhead films—eight hours;~~
- (g) ~~positioning—eight hours.~~

(4) A portion of the required classroom hours may be substituted by a verifiable correspondence or online internet course subject to board approval. The portion of required classroom hours completed by correspondence may not exceed 40 percent of the total hours required for examination(s) requested by the applicant. Fifty percent of all board-approved courses taken by the applicant must be clinical courses.

(5) remains the same.

AUTH: 37-14-202, MCA

IMP: 37-14-301, 37-14-306, MCA

REASON: It is reasonable and necessary to amend this rule to address courses obtained via the internet. The board acknowledges the high quality of some online courses and their inherent availability to applicants. This amendment will expand the approved courses available to these applicants.

The board is amending this rule to specify that at least half the required limited permit course work is obtained in clinical courses. The board determined that this requirement is necessary to ensure clinically competent permit holders and the adequate protection of public health, safety, and welfare.

24.204.511 PERMIT EXAMINATIONS (1) remains the same.

(2) In addition to the ARRT limited scope core examination, ~~88-hour course~~ board-approved course graduates shall complete a module examination for selected anatomic regions in which the applicant desires to be permitted.

(a) through (5) remain the same.

(6) Applicants for ~~an 88-hour course~~ a board-approved course permit who fail any portion of the ARRT limited scope examination (core or any module examination) on two attempts shall be required to successfully complete additional coursework in the failed area(s) of the examination before being allowed to retake the failed portion(s) of the examination a third time.

(a) through (10) remain the same.

AUTH: 37-1-131, 37-14-202, MCA

IMP: 37-1-131, 37-14-306, MCA

24.204.2101 CONTINUING EDUCATION – LICENSEES AND PERMITEES

~~(1) An applicant for renewal of a limited permit shall affirm on the renewal~~

~~form that the applicant has completed six contact hours (one hour equals not less than 55-60 minutes) of continuing education as provided in this rule as a condition to establish eligibility for renewal. The continuing education requirement will not apply until after the licensee's first full year of licensure.~~

~~(2) remains the same but is renumbered (1).~~

(2) A permit holder seeking to renew a limited permit shall affirm on the renewal form that the permittee has completed eight contact hours (one hour equals not less than 55-60 minutes) of continuing education as provided in this rule as a condition to establishing eligibility for renewal. The continuing education requirement will not apply until after the permittee's first full year as a permit holder.

(3) Licensees and permit holders shall maintain records and documentation of completion of continuing education activities such as verification of participation forms, conference brochures, certificates, college or university transcripts or grade reports, articles, and book reviews.

~~(3) (4) The licensees and permit holders is are~~ required to make records and documentation available to the board as proof of meeting the continuing education requirement, ~~if so requested to do so~~ during a random audit.

~~(4) (5) A random audit of the licensees' and~~ permit holder's continuing education will be conducted on an annual basis.

~~(5) The permit holder shall maintain records and documentation of completion of continuing education activities such as verification of participation forms, conference brochures, certificates, college or university transcripts or grade reports, articles, and book reviews.~~

(6) All continuing education must be germane to the radiographic portion of permit holder's profession and must contribute to the professional competence of a ~~limited~~ permit holder as determined by the board based on information presented on a form provided by the board.

(7) through (9) remain the same.

(10) The board shall accept any continuing education accrued by a permittee attending seminars, lectures, or courses directly related to the ~~individual's permittees'~~ field of practice or operation not already approved by one of the professional organizations previously mentioned upon approval by the board. The sponsor or organization of any such continuing education may obtain board-approved credit upon submission of information regarding the course content and participant evaluation procedures.

(11) Subject to approval by the board, continuing education may be earned by a permittee for reading books germane to the profession, according to the following limitations:

(a) through (14) remain the same.

AUTH: 37-1-319, 37-14-202, MCA

IMP: 37-1-131, 37-1-306, MCA

**REASON:** The board is amending this rule to require eight hours of continuing education (CE) in x-ray procedures for permit holders. The board determined it is reasonably necessary to increase the CE requirement by two hours to ensure permit holders have continued competency in high quality imaging procedures.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to [dlibsdrts@mt.gov](mailto:dlibsdrts@mt.gov), and must be received no later than 5:00 p.m., November 25, 2008.

5. An electronic copy of this Notice of Public Hearing is available through the department and board site on the World Wide Web at [www.radiology.mt.gov](http://www.radiology.mt.gov). The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to [dlibsdrts@mt.gov](mailto:dlibsdrts@mt.gov), or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

8. Anne O'Leary, attorney, has been designated to preside over and conduct this hearing.

BOARD OF RADIOLOGIC  
TECHNOLOGISTS  
CHARLES MCCUBBINS, CHAIRMAN

/s/ DARCEE L. MOE  
Darcee L. Moe  
Alternate Rule Reviewer

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 14, 2008